

**BOARD OF SUPERVISORS' MEETING**  
**PLANNING AND ZONING AGENDA**  
**September 7, 2016**

**CONSENT AGENDA**

1. Title: White Tank Cooling  
Case #: **MCP2016001**  
Supervisor District: 4  
Applicant/Owner: Withey Morris / White Tank Cooling, LLC  
Request: Military Compatibility Permit (MCP) with precise Plan of Development for temporary storage, packing and distribution of fresh produce and dry goods in the Rural-43 Military Airport and Ancillary Military Facility Overlay Zoning District – White Tank Cooling  
  
Site Location: Generally located at the northwest corner of Sarival Ave. and Ocotillo Rd. alignment in the Glendale area  
  
Commission  
Recommendation: On 8/4/16, the Commission voted 6-0 to recommend **approval** of **MCP2016001** subject to conditions 'a' – 'i':

Provided the following conditions are met:

- a. Development of the site shall comply with the Site Plan entitled "White Tank Cooling, LLC", consisting of 3 full-size sheets, dated June 15, 2016, and stamped received June 29, 2016, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled, "White Tank Cooling", consisting of 8 pages, dated revised June 28, 2016, and stamped received June 29, 2016, except as modified by the following conditions.
- c. The following Military Compatibility Permit standards shall apply:
  1. Parking: 11 - standard 9' x 18' spaces, 1 ADA space, 12 truck parking spaces.
  2. Wall signage shall be limited to a maximum of 15% of front face plane.
  3. Monument signage shall be 8' (h), sign face dimensions of 4' x 8' with 32 sq. ft. per face, double faced and illuminated with signs to be a minimum of 200' apart.
  4. Front yard setback: 20' along Sarival Ave.
- d. The following Planning Engineering conditions shall apply:

1. At the time of building permit application, drywells must be provided for stormwater disposal. Refer to Standards 6.10.12 and 6.10.13 of the Maricopa County Drainage Policies and Standards.
  2. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for the acquisition of building permits.
- e. The property owner shall submit a 'will serve' letter from Rural Metro Fire Department for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
  - f. All habitable buildings shall be subject to noise attenuation as per ARS § 28-8482(B).
  - g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
  - h. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Military Compatibility Permit as set forth in the Maricopa County Zoning Ordinance.
  - i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Military Compatibility Permit. The Military Compatibility Permit enhances the value of the property above its value as of the date the Military Compatibility Permit is granted and reverting to the prior zoning results in the same value of the property as if the Military Compatibility Permit had never been granted.

2. Title: Arizona Auto Shippers  
Case #: **MCP2016003**  
Supervisor District: 4  
Applicant/Owner: Desert Development Engineering, LLC / Arizona Auto Shippers  
Request: Military Compatibility Permit with a precise Plan of Development for proposed truck service and storage of semi-trucks and trailer parking, trailer/modular office, and shade canopy in the Rural-43 Military Airport and Ancillary Military Facility Overlay Zoning District and AD-2 Military Airport and Ancillary Military Facility Overlay Zoning District

Site Location: Generally located at the northeast corner of Butler Dr. and 143<sup>rd</sup> Ave. in the Glendale area.

Commission Recommendation: On 8/4/16, the Commission voted 6-0 to recommend **approval** of **MCP2016003** subject to conditions 'a' – 'i':

Provided the following conditions are met:

- a. Development of the site shall comply with the site plan entitled, "Arizona Auto Shippers MCP2016003", consisting of four (4) full-size sheets, dated revised July 5, and stamped received July 6, 2016, except as modified by the following conditions.
- b. Development and use of the site shall comply with the narrative report entitled, "Arizona Auto Shippers Narrative Report", consisting of seven (7) pages, dated revised July 5, 2016, and stamped received July 6, 2016, except as modified by the following conditions.
- c. The following Rural-43 & AD-2 Military Compatibility Permit standards shall apply:
  1. Standard Parking Spaces: 0
  2. ADA Parking Spaces: 0
  3. Driveway/parking surface of compacted gravel
- d. The following Planning Engineering (Drainage, Flood Control, and Transportation) conditions shall apply:
  1. Building permits shall be required for the required site grading. The permit application must include the existing fencing erected without a permit.
  2. The site is almost wholly contained within a Special Flood Hazard Area (SFHA) (Floodplain – FEMA Zone A). As development plans progress for this site, provisions for compliance with the Maricopa County Floodplain Use Regulations must be addressed. Any habitable structures on the site must comply with the Floodplain Use Regulations for Maricopa County with respect to lower floor elevation (or in the case of a manufactured type building, the elevation of the lowest structural member).
- e. The following Maricopa County Department of Environmental Services Department (MCESD) condition shall apply:
  1. Water and wastewater services shall be provided upon installation of the modular office trailer with appropriate permits to be obtained.
- f. All habitable buildings shall be subject to noise attenuation per ARS § 28-8482(B).
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.

- h. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Military Compatibility Permit as set forth in the Maricopa County Zoning Ordinance.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Military Compatibility Permit. The Military Compatibility Permit enhances the value of the property above its value as of the date the Military Compatibility Permit is granted and reverting to the prior zoning results in the same value of the property as if the Military Compatibility Permit had never been granted.

3. Title: Mesquite Solar North  
Case #: **CPA2016002**  
Supervisor District: 4  
Applicant & Owner: SEP II, LLC  
Request: Comprehensive Plan Amendment (CPA) to the Old U.S. Highway 80 Area Plan to change the land use designation from Open Space to Utility. CPA approval is by Resolution.  
Site Location: Generally located at the northwest corner of Elliot Road and 399<sup>th</sup> Avenue.  
Commission  
Recommendation: On 8/4/16, the Commission voted 6-0 to recommend **approval** of **CPA2016002** subject to conditions 'a' – 'c':

Provided the following conditions are met:

- a. Development of the site shall be in conformance with the Narrative Report entitled "Mesquite Solar North Energy Project", consisting of 15 pages including the land use exhibit, dated stamped received June 9, 2016, except as modified by the following conditions.
- b. If the Board reverts the zoning back to Rural-190, this land use plan shall be considered for amendment to change the land use designation back to Open Space.
- c. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval

allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that such change due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change.

4. Title: Mesquite Solar North  
Case #: **Z2016017**  
Supervisor District: 4  
Applicant & Owner: SEP II, LLC  
Request: Zone Change from Rural-190 to IND-2 Industrial Unit Plan of Development (IUPD) to allow for a solar energy facility – Mesquite Solar North  
Site Location: Generally located at the northwest corner of Elliot Road and 399<sup>th</sup> Avenue.  
Commission  
Recommendation: On 8/4/16, the Commission voted 6-0 to recommend **approval** of **Z2016017** subject to conditions 'a' – 'k':

Provided the following conditions are met:

- a. Development of the site shall be in conformance with the Site Plan entitled, "Mesquite Solar North", consisting of 9 full-size sheets, stamped received June 10 2016 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Mesquite Solar North Project Narrative Report", consisting of 50 pages stamped received June 10, 2016, except as modified by the following conditions.
- c. There shall be a minimum 6' (h) chain link fence around the site where slats/fabric would be provided along existing development along the private property parcels to the west. If further development of the surrounding parcels are to occur in the future, slats/fabric will need to be provided along the perimeters of these parcels.
- d. The applicant/property owner shall submit a 'will serve' letter from The Buckeye Valley Fire District for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- e. The following IND-2 IUPD standards shall apply:
  1. Front Yard Setback – 0'
  2. Side Yard Setback – 0'
  3. Rear Yard Setback – 0'

September 7, 2016 Board of Supervisors' Meeting – P&Z Agenda

4. Setbacks for Major Streets, Section Line Roads, and Highways – 25' for 395<sup>th</sup> Ave., 0' for 403<sup>rd</sup> Ave., 25' for Dobbins Rd. No service roads required for Elliot Rd.
  5. Setbacks for Mid-Section Line Roads – 0' for 399<sup>th</sup> Ave. No new interior roads along Mid-Section lines required within subject parcel
  6. Setbacks for Local Streets – 0' for Piedmont Rd.
  7. Lot Coverage – 60% (not to include solar panels)
  8. Industrial Uses within an enclosed building – waive requirement
  9. Screening – Minimum 6' (h) chain link fence (with 1' height barb wire)
  10. Parking – 0 spaces provided
  11. Loading/un-loading – 0 spaces provided
  12. Site Visibility Triangles – waive corner lot and screening restrictions within these SVT requirements (403rd & Dobbins, 403rd & Elliot, 395th & Piedmont, and 399th & Piedmont)
- f. The following MCDOT conditions shall apply:
1. Major construction deliveries shall be avoided during shift changes at the Palo Verde Nuclear Plant.
  2. Reservation of right-of-way along the following roadway alignments shall be maintained:  
  
Dobbins Road: 25 feet (south side);  
395<sup>th</sup> Avenue: 25 feet (west side)
  3. "Emergency Access Only" signage shall be provided on the gate at the western site access along Elliot Road will require a permit from MCDOT.
  4. Any work within the right-of-way of Elliot Road will require a permit from MCDOT.
- g. The following Drainage conditions shall apply:
1. The Drainage Waiver submitted under application DRB2016001 must be approved.
  2. All retention basins must drain within 36 hours.
  3. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for the acquisition of building permits.
- h. The following Flood Control District conditions shall apply:
1. A Floodplain Use Permit will be required concurrent with the required building permit(s) for the site.
  2. Pads for inverters and energy storage devices within the Zone A Floodplain must be elevated to the regulatory flood elevation.

3. Slats in perimeter chain link fencing within the Zone A Floodplain shall be elevated to the base flood elevation,
  4. All development and engineering design shall be in conformance with the most current version of the Floodplain Use Regulations for Maricopa County.
    - i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
    - j. The property owner/s and their successor waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
    - k. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
5. Title: Marbella Homes Section 6 Assemblage  
Case #: **Z2016025**  
Supervisor District: 4  
Applicant / Owner: Tiffany & Bosco, PA / John Wittrock  
Request: Zone Change from Rural-43 to R-5 Residential Unit Plan of Development (RUPD)  
Site Location: Generally located ¼ mile south of Jomax Rd. and east of 163<sup>rd</sup> Ave. in the Surprise area  
Commission Recommendation: On 8/4/16, the Commission voted 5-0-1 to recommend **Approval** of **Z2016025** subject to conditions 'a' – 'n', with revised language for conditions 'a', 'b', 'e-3', 'g-1', 'h', and proposed new conditions 'j', 'k', 'l', 'm', and 'n' as provided in a handout from the applicant.

Provided the following conditions are met:

- a. Development of the site shall comply with the Zoning Exhibit entitled "Paloma Creek – A Rezone from RU-43 to R-5 RUPD," consisting of 1 full-size sheet, dated June 30, 2016 and stamped received July 1, 2016 except as modified by the following conditions. Within 30 days of Board of Supervisors approval, the applicant shall submit a revised zoning exhibit to address changes as agreed upon by the City of Surprise.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Z2016025 – Marbella Homes – Paloma Creek", consisting of 18 pages, dated June 20, 2016, and stamped received July 1, 2016 except as modified by the following conditions. Within 30 days of Board of Supervisors approval, the applicant shall submit a revised narrative report to address changes as agreed upon by the City of Surprise.
- c. A Residential Unit Plan of Development (RUPD) is applied to the site specifically to limit the R-5 permitted uses to those acceptable to the Maricopa County Environmental Services Department (MCESD) until such time that either water and sewer services are provided or effective annexation by the City of Surprise.
- d. Unless the site is effectively annexed into the City of Surprise, a Final Plat is required prior to construction permitting.
- e. The following R-5 RUPD standards shall apply:
  1. Single-Family Traditional (Detached SFR or Attached Townhome)
    1. Height: 30'/2 Stories – Detached SFR, 40'/3 Stories – Attached SFR Townhome
    2. Front Yard: 20'
    3. Side Yard: 5'
    4. Street-side Yard: 10'
    5. Rear Yard: 25' – Detached SFR, 12' – Attached SFR Townhome
    6. Lot Area: 5,000 sq. ft.
    7. Lot Width: 45' – Detached SFR, 30' – Attached SFR Townhome
    8. Minimum Lot Area per Dwelling Unit: 5,000 sq. ft. – Detached SFR, 3,000 sq. ft. – Attached SFR Townhome
    9. Maximum Lot Coverage: 60%
    10. Parking Spaces: 2 Spaces
  2. Neo- Traditional (Detached SFR or Attached Townhome)
    1. Height: 40'/3 Stories
    2. Front Yard: 5'
    3. Side Yard: 5'
    4. Street-side Yard: 5' or 2'; side-turn garage
    5. Rear Yard: 5'
    6. Lot Area: 2,500 sq. ft.
    7. Lot Width: 45' – Detached SFR, 30' – Attached SFR Townhome
    8. Minimum Lot Area per Dwelling Unit: 2,500 sq. ft.



- 9. Maximum Lot Coverage: 60% - Detached SFR, 60% - Attached SFR
- 10. Parking Spaces: 2 Spaces

- 3. Commercial uses shall be prohibited in the R-5 RUPD Zoning District.
- f. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- g. The following Planning and Engineering Comments shall apply:
  - 1. Without the submittal of a precise plan, no development approval is inferred by this review, including, but not limited to access, roadway alignments and required right-of-way dedications. These items will be addressed as development plans progress for further review and/or entitlement.
  - 2. The site contains significant areas of Special Flood Hazard Areas (SFHA) (Floodways and Floodplains). As development plans progress for this site, provision for the natural drainage corridors to remain must be included with any design. Alternatively, alteration or relocation of the SFHAs must be approved by the Flood Control District of Maricopa County and FEMA through the CLOMR/LOMR process.
  - 3. Submission of a CLOMR application to the Flood Control District must be prior to or concurrent with the application for preliminary plat or a precise plan of development to Planning & Development.
  - 4. Approval of the CLOMR by FEMA must be obtained prior to the issuance of any building permits on the site.
  - 5. Owner/developer shall be responsible for identifying and procuring any permit(s) for disturbance of, or work within, delineated jurisdictional (404) washes.
- h. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time annexation into the City of Surprise or an approved pre-annexation agreement must occur. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2016025, which details the status of this project, including progress on annexing into the City of Surprise. The status report to be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning for undeveloped parcels. Status reports will be required until completion of annexation occurs.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowners. The granting of this approval

allows the property owners to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, a hearing shall be scheduled with the Board of Supervisors for consideration to revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

- j. Multi-family housing will not be allowed in the Development.
- k. Public Use Trails will be developed within the site and will connect to a regional system in accordance to the City of Surprise Parks and Trails Master Plan.
- l. The applicant shall work with the City of Surprise on a transition to lower density housing products adjacent to current Rural Neighborhoods. A density transition should follow the Character Areas consistent with the Character Area Compatibility table within the Surprise General Plan 2035.
- m. The applicant understands that the property lies within the water and wastewater service area of the City of Surprise. The City of Surprise will provide water and wastewater services upon successful annexation into the City in accordance with the terms of that annexation. The applicant will not seek the expansion of any other water or wastewater service provider's CC&N into the subject property.
- n. The applicant agrees to work with the City of Surprise to create development standards that are acceptable to the City of Surprise.

6. Title: Toy Barn on Lone Mountain Road  
Case #: **Z2016026**  
Supervisor District: 3  
Applicant & Owner: Withey Morris PLC / Hugh L. and Diane J. Helm  
Request: Zone Change from Rural-43 to C-2 Commercial Unit Plan of Development (CUPD) for a garage condo facility  
Site Location: Generally located approximately 670' west of the intersection of Lone Mountain Rd. and Cave Creek Rd.  
Commission  
Recommendation: On 8/4/16, the Commission voted 6-0 to recommend **approval** of **Z2016026** subject to conditions 'a' – 'i':

Provided the following conditions are met:

- a. Development of the site shall comply with the Site Plan entitled "Preliminary Site Plan Cave Creek & Lone Mountain Storage" consisting of 1 full-size sheet, dated stamped received July 18, 2016 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Toy Barn II", consisting of 9 pages, dated stamped received July 18, 2016 except as modified by the following conditions.
- c. The property owner shall submit a 'will serve' letter from the City of Phoenix for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. The following C-2 CUPD standards for the entire site shall apply:
  - 1. Height: 40'
  - 2. Front Yard Setback: 10'
  - 3. Side Yard Setback: 0'
  - 4. Rear Yard Setback: 10'
  - 5. Minimum lot area: 6,000 sq. ft.
  - 6. Minimum Lot Width: 60'
  - 7. Maximum Lot Coverage: 60%
  - 8. Parking Spaces: 21 spaces (19 standard, 2 accessible)
  - 9. Screening: 8' height solid wall required alongside and rear property lines abutting rural or residential zoning districts. Except where a building is located along a property line.
- e. The following C-2 CUPD standards for platted lots or condo units shall apply:
  - 1. Height: 40'
  - 2. Front Yard Setback: 0'
  - 3. Side Yard Setback: 0'
  - 4. Rear Yard Setback: 0'
  - 5. Minimum Lot Area: 0 sq. ft.
  - 6. Minimum Lot Width: 0'
  - 7. Maximum Lot Area: 100%
- f. The following Planning Engineering conditions shall apply:
  - 1. All retention basins must drain within 36 hours.
  - 2. Detailed Grading and Drainage Plans shall be submitted with the application for building permits.
  - 3. Improvements along Lone Mountain Road are subject to review and approval by the City of Phoenix.
- g. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- i. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time the subdivision infrastructure permit or construction permit for each phase must be obtained. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2016026 which details the status of this project, including progress on obtaining subdivision infrastructure and/or construction permits. The status report to be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning for undeveloped parcels. Status reports will be required until completion of the initial subdivision infrastructure and/or construction permits for each zoning parcel (C-2 CUPD).

7. Title: Zanjero Trails Infrastructure Plat  
Case #: **S2014017**  
Supervisor District: 4  
Applicant & Owner: HilgartWilson / First American Title Insurance Company  
Request: Infrastructure Plat for Zanjero Trails Phase 1 which consists of 12 parcels and 1 tract  
Site Location: Approximately at the northwest corner of Perryville Rd. and Camelback Rd.  
Staff  
Recommendation: **Approve**

### **REGULAR AGENDA**

8. Title: Kinderland  
Case #: **Z2015099**  
Supervisor District: 5  
Applicant & Owner: Withey Morris PLC / Sandra Guerrero

Request: Zone Change from Rural-43 to C-2 CUPD with a precise Plan of Development for a proposed preschool and day care center

Site Location: Generally located approximately 970 ft. east of the intersection of 35<sup>th</sup> Avenue and Baseline Road in the Laveen area

Commission Recommendation: On 8/4/16, the Commission voted 6-0 to recommend **approval** of **Z2015099** subject to conditions 'a' – 'j':

Provided the following conditions are met:

- a. Development of the site shall comply with the Site Plan entitled "Site Plan", consisting of 1 full-size sheet, dated April 12, 2016, and stamped received July 15, 2016 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "The Garden at Kinderland", consisting of 36 pages, dated July 15, 2016, and stamped received July 15, 2016 except as modified by the following conditions.
- c. The applicant/property owner shall submit a 'will serve' letter by Rural Metro for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. The following Planning conditions shall apply:
  - 1) All retention basins must drain within 36 hours.
  - 2) All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
  - 3) Detailed Grading and Drainage Plans shall be submitted with the application for building permits.
  - 4) Access to and improvements along Baseline Road are subject to review and approval by the City of Phoenix.
- e. The CUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system shall be required prior to establishment of any non-residential use that requires potable water.
- f. The applicant/property owner shall provide a recorded copy of the 25' access easement along the eastern parcel boundary as part of the initial construction permit submittal.

- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- h. The property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- j. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years, within which time the construction permit must be obtained. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2015099 which details the status of this project, including progress on obtaining construction permits. The status report is to be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning for the undeveloped parcel. Status reports will be required until completion of construction for the parcel.